

Colorado Job Protection and Civil Rights Enforcement Act **of 2013**

On May 6, 2013, the *Colorado Job Protection and Civil Rights Enforcement Act of 2013* (Act) was signed into law. The Act became effective on January 1, 2015 and applies to **all** sizes of employers (businesses employing 15 or more employees also fall under the jurisdiction of federal civil rights employment laws). The Act is significant since effective January 1, 2015, the remedies a plaintiff may claim if a lawsuit claiming intentional employment discrimination is proven are significantly expanded over those which were permitted in prior years.

After a matter asserting employment discrimination on the job is filed with, and processed by, the Colorado Civil Rights Division (CCRD) or when the party who has brought the employment discrimination charge is issued a “right to sue” by CCRD, the party may choose to take the matter to civil court. Since CCRD is an administrative agency, it does not have the same authority to award monetary damages to employees as the courts do. Prior to the effective date of the Act, the remedies that were awarded to those who successfully sued employers for unlawful discrimination consisted of varying degrees of equitable relief, back pay and job reinstatement. After January 1, 2015, significant differences are noted in the remedies provided to successful litigants, some of which are that attorneys’ fees may be claimed, compensatory and punitive damages may be awarded, front pay may be awarded and jury trials are permitted.

With regard to compensatory and punitive damages that may be awarded after January 1, 2015, the Act provides limits on those damages as follows:

- 1–4 employees: \$10,000
- 5-14 employees: \$25,000
- 15-100 employees: \$50,000
- 101-200 employees: \$100,000
- 201-500 employees: \$200,000
- 500+ employees: \$300,000

The Act provides employers with a “good faith” defense which limits, or altogether eliminates, punitive damages. In other words, the employer is NOT subject to punitive damages if it can show that it made good faith efforts to prevent discrimination and unfair employment practices. No punitive damages may be awarded for a claim of failure to make a “reasonable accommodation” regarding a person with a disability if an employer can demonstrate it made a good faith effort to provide an accommodation.

In addition, beginning on January 1, 2015, the Act permits age claims to be made against employers by one whose age is 40 years and older (until January 1, 2015 in Colorado, there was a cut-off for age claims that prevented individuals over the age of 70 from filing claims with CCRD).

Please contact CCRD, at 303-894-2997 or review the website (dora.colorado.gov/crd), to arrange **FREE** training on employment discrimination and the new remedies provided by the Act.

The information provided here is for informational purposes only and is not intended as legal advice. For specific legal questions, please consult your attorney.